

FILED: April 27, 2017

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 16-4583**  
**(8:15-cr-00376-PJM-2)**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DERRICK WENZEL SIMMONS, a/k/a Derrick W. Simmons,

Defendant - Appellant.

---

**O R D E R**

---

Derrick Wenzel Simmons seeks to appeal the 108-month sentence imposed by the district court following his guilty plea, pursuant to a written plea agreement, to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g) (2012). The Government has moved to dismiss the appeal in part as barred by the waiver of the right to appeal included in Simmons' plea agreement. Simmons does not dispute that his appellate waiver was entered knowingly and voluntarily.

Upon review of the record, we conclude that Simmons' challenge to the application of the four-level enhancement under U.S. Sentencing Guidelines Manual § 2K2.1(b)(6)(B)

(2015) falls within the scope of his appellate waiver. Accordingly, we grant the Government's motion to dismiss in part. The Clerk will reinstate the briefing schedule by separate order.

For the Court

/s/ Patricia S. Connor, Clerk